2013 DRAFTING REQUEST

Assen	nbly A	mendmen	t (AA-A	B519)					
Received: 1/21/2014						Received By: jkuesel			
Wanted	d:	As time permits				Same as LRB:			
For:		Frederick Kessler (608) 266-5813				By/Representing:	epresenting: Christina Tenuta		
May Contact:						Drafter:	jkuesel		
Subject: State Finance - claims agnst st						Addl. Drafters:			
						Extra Copies:			
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Per att	ached E	mail, 1/16/	14, #1.						
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FE Se	nt For:								

<END>

2013 DRAFTING REQUEST

Assembly A	Amendment (AA-A	AB519)								
Received:	1/21/2014		Received By: jkuesel							
Wanted:	As time permits			Same as LRB:						
For:	Frederick Kessler (6	13	By/Representing:	Christina Ten	uta					
May Contact:				Drafter:	jkuesel					
Subject: State Finance - claims agnst st				Addl. Drafters:						
				Extra Copies:						
Submit via email: Requester's email: Carbon copy (CC) to: YES Rep.Kessler@legis.wisconsin.gov										
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No specific pr	re topic given									
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FE Sent For:

<**END>**

Kuesel, Jeffery

From:

Tenuta, Christina

Sent:

Thursday, January 16, 2014 3:37 PM

To:

Kuesel, Jeffery

Subject:

Amendments to AB 519 & 534

Dear Attorney Kuesel,

Rep. Kessler would like to make the following three amendments to both AB 519 and AB 534.

- 1. If a judgment is vacated by a court, based on DNA evidence, then the court must include that fact in its finding.
- 2. If DNA evidence is used to exonerate a defendant, the burden shifts to the DA under the claim process.
- 3. Burden of proof is no longer clear and convincing, but rather preponderance of the evidence the civil burden.

Please feel free to call if you have any questions or need further clarification. Thank you.

Sincerely,

Christina

Christina M. Tenuta, J.D.
Office of Wisconsin State Representative Frederick P. Kessler, 12th Assembly District 608-266-5813



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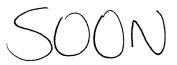
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State of Misconsin 2013 - 2014 LEGISLATURE





ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 519



At the locations indicated, amend the bill as follows:

1. Page 10, line 23: after that line insert:

"Section 14m. 808.08 (2m) of the statutes is created to read:

808.08 (2m) If the trial judge enters an order under this section vacating a judgment of conviction, judgment of not guilty by reason of mental disease or defect, or adjudication of delinquency in whole or in part because of the results of forensic deoxyribonucleic acid testing, the judge shall include that reason in his or her order.".

2. Page 12, line 1: before that line insert:

"Section 15m. 974.07 (10) (a) 1. of the statutes is amended to read:

974.07 (10) (a) 1. An order setting aside or vacating the movant's judgment of conviction, judgment of not guilty by reason of mental disease or defect, or adjudication of delinquency. If the court vacates the judgment of conviction, judgment of not guilty by reason of mental disease or defect, or adjudication of

- delinquency, the order shall specify that the judgment or adjudication is vacated
- 2 because of the results of forensic deoxyribonucleic acid testing ordered under this
- 3 section.". ✓

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History: 2001 a. 16; 2005 a. 60; 2007 a. 20 s. 9121 (6) (a); 2009 a. 28; 2011 a. 38.

(END)